

# EXHIBIT 1

**From:** [Kate Swift](#)  
**To:** [Hunter Shkolnik](#)  
**Subject:** RE: MDL 2804 - trial subpoenas  
**Date:** Monday, October 7, 2019 12:29:00 PM

---

Hunter,

Following up on my email below. Will you let us know what your plans are re: Deb Bish? With respect to Ed Bratton, if you want to call him by video, we will need a subpoena. I'll accept service. Thanks.

## BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531.6118 | [Kate.Swift@BartlitBeck.com](mailto:Kate.Swift@BartlitBeck.com) | Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

---

**From:** Kate Swift  
**Sent:** Friday, October 4, 2019 11:35 AM  
**To:** Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>  
**Subject:** RE: MDL 2804 - trial subpoenas

We will accept service, but we object to any served on witnesses who aren't listed on your 9/25 witness list. Please let us know who you have already served. Also, on Deb Bish, plaintiffs did not object to our playing her dep testimony, and she may be unavailable due to a health condition, in addition to being outside the subpoena range. Do you intend to try to call her live?

Thanks.

## BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531.6118 | [Kate.Swift@BartlitBeck.com](mailto:Kate.Swift@BartlitBeck.com) | Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

---

**From:** Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>  
**Sent:** Friday, October 4, 2019 11:11 AM  
**To:** Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>  
**Subject:** RE: MDL 2804 - trial subpoenas

These are the witnesses we intend to serve subpoenas on either for case in chief if on witness list or potential rebuttal. Please advise if you will accept service for them:

Hunter, William	Walgreens

Whited, James	Walgreens
Zaccaro, Laurie	Walgreens
Diebert, Jem	Walgreens
Bish, Deb	Walgreens

Thanks

Hunter

-----Original Message-----

From: Hunter Shkolnik  
Sent: Friday, October 4, 2019 12:07 PM  
To: 'Kate Swift'  
Subject: RE: MDL 2804 - trial subpoenas

Kate

There was miscommunication on our side and I have stopped all subpoenas and we will send any to you going forward. As for any person not on the witness list I think there is a concern about service for possible rebuttal and wanted to issue those as well.

We have no intention of calling an unnamed person in our case in chief.

Hunter

-----Original Message-----

From: Kate Swift [<mailto:kate.swift@bartlitbeck.com>]  
Sent: Friday, October 4, 2019 11:46 AM  
To: Hunter Shkolnik; Mark Lanier; 'Don Migliori'  
Cc: do Amaral, Paulina; Jayne Conroy; Ackerman, David; Kaspar Stoffelmayr; Brian Swanson; Matthew Brewer; Alex Harris  
Subject: RE: MDL 2804 - trial subpoenas

Hunter - I understand that Deb Bish has received a subpoena as well. If you could please

include her, and any others who have been served that I haven't heard about yet, in your follow up, I would appreciate it. Thanks.

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531.6118 | [Kate.Swift@BartlitBeck.com](mailto:Kate.Swift@BartlitBeck.com) |  
Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

-----Original Message-----

From: Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>  
Sent: Friday, October 4, 2019 9:56 AM  
To: Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>; Mark Lanier <[WML@LanierLawFirm.com](mailto:WML@LanierLawFirm.com)>; 'Don Migliori' <[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)>  
Cc: do Amaral, Paulina <[Pdoamaral@lchb.com](mailto:Pdoamaral@lchb.com)>; Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>; Ackerman, David <[dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)>; Kaspar Stoffelmayr <[kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)>; Brian Swanson <[brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)>; Matthew Brewer <[matthew.brewer@bartlitbeck.com](mailto:matthew.brewer@bartlitbeck.com)>; Alex Harris <[alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)>  
Subject: RE: MDL 2804 - trial subpoenas

Let me circle back to team,

-----Original Message-----

From: Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>  
Sent: Friday, October 4, 2019 10:54 AM  
To: Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>; Mark Lanier <[WML@LanierLawFirm.com](mailto:WML@LanierLawFirm.com)>; 'Don Migliori' <[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)>  
Cc: do Amaral, Paulina <[Pdoamaral@lchb.com](mailto:Pdoamaral@lchb.com)>; Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>; Ackerman, David <[dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)>; Kaspar Stoffelmayr <[kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)>; Brian Swanson <[brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)>; Matthew Brewer <[matthew.brewer@bartlitbeck.com](mailto:matthew.brewer@bartlitbeck.com)>; Alex Harris <[alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)>  
Subject: RE: MDL 2804 - trial subpoenas

Thanks, Hunter. Jaime Whited is the one I am aware of. Glad to hear if it was an oversight, as he is not on your witness list. Can you confirm you do not intend to call him?

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531.6118 | [Kate.Swift@BartlitBeck.com](mailto:Kate.Swift@BartlitBeck.com) |  
Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

-----Original Message-----

From: Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>

Sent: Friday, October 4, 2019 9:52 AM

To: Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>; Mark Lanier <[WML@LanierLawFirm.com](mailto:WML@LanierLawFirm.com)>; 'Don Migliori' <[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)>

Cc: do Amaral, Paulina <[Pdoamaral@lchb.com](mailto:Pdoamaral@lchb.com)>; Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>; Ackerman, David <[dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)>; Kaspar Stoffelmayr <[kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)>; Brian Swanson <[brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)>; Matthew Brewer <[matthew.brewer@bartlitbeck.com](mailto:matthew.brewer@bartlitbeck.com)>; Alex Harris <[alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)>

Subject: RE: MDL 2804 - trial subpoenas

Kate

If subpoena went out it was an oversight I believe. We are trying to coordinate along agreements such as below. Can you advise which witness?

Hunter

-----Original Message-----

From: Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>

Sent: Friday, October 4, 2019 10:46 AM

To: Mark Lanier <[WML@LanierLawFirm.com](mailto:WML@LanierLawFirm.com)>; 'Don Migliori' <[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)>; Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>

Cc: do Amaral, Paulina <[Pdoamaral@lchb.com](mailto:Pdoamaral@lchb.com)>; Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>; Ackerman, David <[dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)>; Kaspar Stoffelmayr <[kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)>; Brian Swanson <[brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)>; Matthew Brewer <[matthew.brewer@bartlitbeck.com](mailto:matthew.brewer@bartlitbeck.com)>; Alex Harris <[alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)>

Subject: RE: MDL 2804 - trial subpoenas

Mark,

I understand plaintiffs have started serving Walgreens employees with trial subpoenas directly. As we asked before, and you agreed below, please serve us instead of the witnesses.

If there is an issue with that, will you please give me a call?

Thanks,

Kate

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531.6118 | [Kate.Swift@BartlitBeck.com](mailto:Kate.Swift@BartlitBeck.com) |  
Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

-----Original Message-----

From: Mark Lanier <[WML@LanierLawFirm.com](mailto:WML@LanierLawFirm.com)>

Sent: Monday, September 23, 2019 8:47 AM

To: Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>; 'Don Migliori' <[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)>; Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>

Cc: do Amaral, Paulina <[Pdoamaral@lchb.com](mailto:Pdoamaral@lchb.com)>; Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>; Ackerman, David <[dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)>; Kaspar Stoffelmayr <[kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)>; Brian Swanson <[brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)>; Matthew Brewer <[matthew.brewer@bartlitbeck.com](mailto:matthew.brewer@bartlitbeck.com)>; Alex Harris <[alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)>

Subject: Re: MDL 2804 - trial subpoenas

ok

From: Kate Swift <[kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)>

Date: Monday, September 23, 2019 at 8:21 AM

To: Mark Lanier <[WML@LanierLawFirm.com](mailto:WML@LanierLawFirm.com)>, Don Migliori <[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)>, Hunter Shkolnik <[Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)>

Cc: "do Amaral, Paulina" <[Pdoamaral@lchb.com](mailto:Pdoamaral@lchb.com)>, Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>, "Ackerman, David" <[dackerman@motleyrice.com](mailto:dackerman@motleyrice.com)>, Kaspar Stoffelmayr <[kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)>, Brian Swanson <[brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)>, Matthew Brewer <[matthew.brewer@bartlitbeck.com](mailto:matthew.brewer@bartlitbeck.com)>, Alex Harris <[alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)>

Subject: MDL 2804 - trial subpoenas

Mark, Don, and Hunter,

We understand plaintiffs have begun serving subpoenas on Cardinal witnesses. To the extent you intend to serve trial subpoenas on any Walgreens employee, we will accept service on their behalf without waiving our right to challenge the validity or enforceability of the subpoena, and without waiving our right to file a motion to quash or modify.

Thanks,  
Kate

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531-6118 |  
[Kate.Swift@BartlitBeck.com](mailto:Kate.Swift@BartlitBeck.com) <<mailto:Kate.Swift@BartlitBeck.com>> | Courthouse Place, 54  
West Hubbard Street, Chicago, IL 60654

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Hunter Shkolnik

Partner

[Official NS PR DB Law Logo]

(787) 493-5088 Ext. 2007 / 5107 Direct (347) 379-1688 | [Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)

270 Munoz Rivera Avenue, Suite 201, Hato Rey, Puerto Rico 00918 Follow us on Social Media

[Follow on Twitter]<<https://twitter.com/napolishkolnik/>> [Like on Facebook]  
<<https://facebook.com/napolishkolnik>> [Follow on LinkedIn]  
<<https://www.linkedin.com/company/napolishkolnik/>> [Subscribe on YouTube]  
<<https://www.youtube.com/napolishkolnikpllc/>> [Follow on Instagram]  
<[https://www.instagram.com/napoli\\_shkolnik/](https://www.instagram.com/napoli_shkolnik/)>

\* Napoli Shkolnik is a registered tradename for NS PR Law Services, LLC. A Puerto Rican Limited Liability Corporation

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

This e-mail and all other electronic (including voice) communications from the sender's firm are for informational purposes only. No such communication is intended by the sender to constitute either an electronic record or an electronic signature, or to constitute any agreement by the sender to conduct a transaction by electronic means. Any such intention or agreement is hereby expressly disclaimed unless otherwise specifically indicated.

Hunter Shkolnik

Partner

[Official NS PR DB Law Logo]

(787) 493-5088 Ext. 2007 / 5107 Direct (347) 379-1688 | [Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)

270 Munoz Rivera Avenue, Suite 201, Hato Rey, Puerto Rico 00918 Follow us on Social Media

[Follow on Twitter]<<https://twitter.com/napolishkolnik/>> [Like on Facebook]  
<<https://facebook.com/napolishkolnik>> [Follow on LinkedIn]  
<<https://www.linkedin.com/company/napolishkolnik/>> [Subscribe on YouTube]  
<<https://www.youtube.com/napolishkolnikpllc/>> [Follow on Instagram]  
<[https://www.instagram.com/napoli\\_shkolnik/](https://www.instagram.com/napoli_shkolnik/)>

\* Napoli Shkolnik is a registered tradename for NS PR Law Services, LLC. A Puerto Rican Limited Liability Corporation

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

This e-mail and all other electronic (including voice) communications from the sender's firm are for informational purposes only. No such communication is intended by the sender to constitute either an electronic record or an electronic signature, or to constitute any agreement by the sender to conduct a transaction by electronic means. Any such intention or agreement is hereby expressly disclaimed unless otherwise specifically indicated.

## Hunter Shkolnik

Partner



(787) 493-5088 Ext. 2007 / 5107 Direct (347) 379-1688 | [Hunter@NapoliLaw.com](mailto:Hunter@NapoliLaw.com)  
270 Munoz Rivera Avenue, Suite 201, Hato Rey, Puerto Rico 00918

### Follow us on Social Media



\* Napoli Shkolnik is a registered tradename for NS PR Law Services, LLC. A Puerto Rican Limited Liability Corporation

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

This e-mail and all other electronic (including voice) communications from the sender's firm are for informational purposes only. No such communication is intended by the sender to constitute either an electronic record or an electronic signature, or to constitute any agreement by the sender to conduct a transaction by electronic means. Any such intention or agreement is hereby expressly disclaimed unless otherwise specifically indicated.